

AMENDMENTS TO THE DRAWINGS

Submitted herewith please find 3 replacement drawing sheets in compliance with 37 C.F.R. § 1.84. The Examiner is respectfully requested to acknowledge receipt of these drawings. The submitted drawings are intended to replace the drawings previously submitted on January 23, 2004.

Attachment: 3 Replacement Drawing Sheets (FIGS. 1-4)

REMARKS

Status of Application

Claims 1-2 and 5-25 constitute all currently pending claims in the application. Claims 3 and 4 are canceled. Claims 1, 2 and 5-14 are amended. Claims 15-25 are newly added. Applicant respectfully submits that new claims 15-25 are amply supported by the present disclosure and add no impermissible new matter.

Drawing Objection

The Examiner objects to the drawings, and requests that a brief descriptive label be provided for each of the labeled items in Figs. 1-4. Applicant herewith submits amended drawings in response to the Examiner's objection, and therefore respectfully requests that the Examiner withdraw the objection.

Objection to the Specification

Applicant hereby amends the Abstract of the Disclosure, and the arrangement of the specification, in response to the Examiner's objections. Applicant, therefore, respectfully requests that the Examiner withdraw the objections to the specification.

Claim Objections

The Examiner objects to claims 1-14, for various informalities. Claims 3 and 4 are canceled, thereby rendering this objection moot. Applicant hereby amends claims 1, 2 and 5-14, to address the Examiner's objections, and therefore respectfully requests that the Examiner withdraw these objections.

Claim Rejections Under 35 U.S.C. § 112

Claims 1-14 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Applicant traverses this rejection for at least the following reasons. The Examiner contends that the recitation of “the means to access data flows” and “the measurement means” in claim 1, lack clear antecedent basis. Claim 1 is hereby amended to correct the antecedent bases of these portions of claim 1. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of claim 1 and its dependent claims 2 and 5-14.

Claim Rejections Under 35 U.S.C. § 102

Claims 1-3, 6-7, and 12-14 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent Application Publication No. 2002/0019231 to Palenius et al. (“Palenius”). Applicant traverses this rejection for at least the following reasons.

Claim 1 is amended to recite the following:

wherein said measurement means are operable to transmit measurement reports, containing said measurements, to a measuring device determined by an identifier contained in said configuration data; and

said measurements are transmitted to said measuring device by means of a proxy, the measurement reports transmitted to said proxy containing said identifier.

Regarding the matter similar to the matter previously recited in claim 4, the Examiner concedes that “Palenius et al. disclose all of the subject matter of the claimed invention with the exception of whereby said measurements are transmitted to said measuring device by means of a proxy, the data transmitted to said proxy containing said identifier as in claim 4.” Amended claim 1 requires that “the measurement reports transmitted to said proxy [contain] said identifier.” Palenius also fails to teach this element of amended claim 1, because the above quoted element of claim 1 is similar to the subject matter of claim 4 as previously presented.

Since Palenius fails to teach each and every element of amended independent claim 1, Palenius fails to anticipate claim 1. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of amended independent claim 1, and its dependent claims 2 and 5-14.

Claim Rejections Under 35 U.S.C. § 103

Claims 4, 5, 8, 9, 10 and 11 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Palenius in view of U.S. Patent Application Publication No. 2003/0093244 to Corlett et al. (“Corlett”). Applicant traverses this rejection for at least the following reasons.

Claim 4 is canceled, thereby rendering its rejection moot. Claims 5, 8, 9, 10 and 11 depend directly or indirectly from claim 1. As noted above, the Examiner appears to concede that Palenius fails to teach or suggest that “the measurement reports transmitted to said proxy [contain] said identifier,” as recited in claim 1. Corlett, moreover, fails to make up for this deficiency of Palenius.

The Examiner cites ¶ [0166] of Corlett as allegedly teaching the use of a gateway between the server and the client, and contends that this portion of Corlett anticipates the use of a proxy means for transmitting measurements, as required by previously presented claim 4. This portion of Corlett, however, fails to teach or suggest that “the measurement reports transmitted to said proxy [contain] said identifier,” as required by amended claim 1. Although this portion of Corlett appears to discuss performing a “readiness test” to verify linkage and reachability between nodal members 30, it fails to contemplate that “measurement reports” should contain an “identifier” which determines a “measuring device” to which the “measurement reports” are transmitted.

Thus, Corlett fails to make up for the above described deficiencies of Palenius. Palenius and Corlett, therefore, alone or in combination, fail to teach or suggest each and every element of claims 5, 8, 9, 10 and 11. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of these claims.

New Claim 25

Regarding new claim 25, Applicant points out that Palenius discloses not a probe, but a mobile terminal, which is arranged to perform measurement when receiving a signaling message. Moreover, a major structural difference between a probe and a terminal is that the terminal is the recipient of the messages sent to it. A probe, on the contrary, sits along a message path and observes messages passing through it. Thus, Palenius fails to disclose that “said data flows pass[] through said measuring probe” as required by new claim 25. Applicant, therefore, respectfully submits that Palenius fails to teach each and every element of claim 25.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

This Application is being filed via the USPTO Electronic Filing System (EFS). Applicants herewith petition the Director of the USPTO to extend the time for reply to the above-identified Office Action for an appropriate length of time if necessary. Any fee due under 37 U.S.C. § 1.17(a) is being paid via the USPTO Electronic Filing System (EFS). The USPTO is also directed and authorized to charge all required fees, except for the Issue Fee and the

Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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